



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: EPR-N

October 19, 2007

Michele Easley
Bureau of Land Management, Kemmerer Field Office
312 Hwy 189 N
Kemmerer, WY 83101-9711

RE: Draft Resource Management Plan
and Environmental Impact Statement for
the Kemmerer Field Office Planning
Area
CEQ#: 20070286

Dear Ms. Easley:

Consistent with our responsibilities and authorities under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the Region 8 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Bureau of Land Management's (BLM) Kemmerer Field Office Planning Area in southwestern Wyoming. The BLM manages approximately 1.42 million acres of public land surface and 1.6 million acres of federal mineral estate in the Kemmerer planning area. The area includes most of Lincoln and Uinta counties, and part of Sweetwater County.

The Draft EIS considers revisions to the Kemmerer RMP which provides management direction to BLM on planning issues, including: energy resources; vegetation management; cultural resources; travel management; wildlife/urban interface; water quality; and wildlife habitat. The Draft EIS considers four alternatives. Alternative A, No Action, would provide continuation of existing management. Alternative B emphasizes conservation of physical, biological, and heritage resources with the most restraints on resource uses compared to all other alternatives. Alternative C emphasized resource uses such as energy and minerals, while lessening some resource conservation measures to protect physical, biological, and heritage resource values. Finally, Alternative D, BLM's Preferred Alternative, emphasizes a moderate level of protection for physical, biological, and heritage resource values and moderate constraints on resource uses.

EPA provided detailed scoping comments on the Kemmerer RMP revision in December 2003. A review of the Draft EIS indicates that BLM has provided comprehensive information on many of these comments. EPA notes that detailed information on wildlife resources is presented in the Draft EIS and that the Preferred Alternative outlines specific

management provisions that will benefit sage grouse, raptors, pronghorn, mule deer and elk, as well as sensitive plant populations. Additional measures provide for the maintenance of contiguous habitat and wildlife corridors. EPA is also encouraged that the Preferred Alternative retains protection of the Raymond Mountain Area of Critical Environmental Concern (ACEC) and Wilderness Study Area (WSA), provides for the designation of the Bridger Butte ACEC and the case-by-case designation of special status plant species habitat ACECs, establishes additional Management Areas (MAs) for natural resources, and identifies two waterway segments for Wild and Scenic River status. EPA supports BLM's efforts to manage these lands and water segments in a manner that recognizes and protects sensitive resources. We also support additional efforts to assess land and water resources that may also qualify for special protection.

Our review of the RMP Draft EIS includes some general and specific concerns associated with special status designations and protection of sensitive and unique natural and cultural resources, and off-road vehicle management. These comments are provided in the enclosed "Detailed Comments." EPA's primary remaining concern is the potential for impacts to air quality from expanding oil and gas development in the Kemmerer Planning Area.

Air Quality and Oil and Gas Development

EPA remains concerned about the cumulative air quality impacts associated with resource development in southwest Wyoming as oil and gas development continues to increase rapidly in Kemmerer and adjacent BLM planning areas. Six federally designated Class I areas are located within 70 miles of the Kemmerer planning area. The Bridger Wilderness Area is located 40 miles east of the Kemmerer Planning Area. Under the Clean Air Act, Federal Class I areas such as Bridger Wilderness require special protection of air quality and air quality related values. The most recent Final Reasonable Foreseeable Development Scenario for Oil and Gas (BLM, 2006b) completed for the Kemmerer area anticipates more than 2,000 new conventional oil and gas wells over the next 20 years. Projections for nearby planning areas are much higher. The potential for cumulative emissions to lead to visibility impairments and/or violations of air quality standards is a growing concern that underscores the importance of analyses that provide for our collective ability to predict, assess and mitigate future adverse impacts.

In RMPs that plan for significant oil and gas development, EPA maintains that air quality dispersion modeling should be conducted to assess the cumulative impacts of projected oil and gas wells and other activities on air quality values within and outside of the planning area. Rather than conduct dispersion modeling, BLM completed a qualitative emission comparison approach for the analysis of air quality impacts in the Kemmerer RMP. While this method provides a means to compare the total predicted emissions of each alternative to a baseline year, it does not provide any indication of the potential for exceedances of ambient air quality standards or the potential for adverse impacts on air

quality related values (ie. visibility) in nearby Class I areas. EPA does acknowledge, however, that BLM recently completed extensive air quality dispersion modeling in conjunction with the proposed Moxa Arch Area Infill Gas Development DEIS and the Moxa Arch development accounts for the majority of the anticipated oil and gas development in the Kemmerer RMP (Final Reasonable Foreseeable Development Scenario for Oil and Gas, August 2006, page 7-7).

EPA participated in the development of the Moxa Arch Draft EIS as a Cooperating Agency. In this role, EPA reviewed and commented on sections of the Moxa Arch preliminary environmental analysis, including the air quality technical support document. On October 5, 2007, BLM released the Moxa Arch Draft EIS for public review and comment. Consistent with our responsibilities and authorities under NEPA and Section 309 of the Clean Air Act, EPA will review and provide comments on the Moxa Arch Draft EIS. At that time, EPA will provide detailed comments on air quality dispersion modeling and the predicted impacts associated with oil and gas activity.

The extensive air quality modeling analysis conducted for the Moxa Arch Draft EIS should inform the RMP analysis, and ultimately the decision-maker, on “What level of development should be allowed in areas suitable for energy and mineral resource development?” (Kemmerer DEIS, page 1-10). EPA recommends the Kemmerer Final EIS explain how the Moxa Arch quantitative air modeling analysis will be used by BLM to inform the Kemmerer RMP land management decisions. For example, the Final EIS should describe how the air quality modeling will be reflected in RMP decisions on the suitability of lands for oil and gas development; any appropriate restrictions on the proximity to and extent of such development near Class I airsheds; and any other land management decisions to which the air impacts analysis may be relevant.

The Moxa Arch air quality dispersion modeling should also inform BLM on mitigation measures that should be more broadly implemented across the land use plan such as planning directives regarding clean drilling and compressor technologies, and stipulations on the location, level and timing of development. This analysis is particularly important as our initial review of the air quality analysis completed for the Moxa Arch Draft EIS indicates the potential for significant impacts to visibility at the Bridger Wilderness Area from the proposed action of 1,860 wells which, as noted above, accounts for the majority of the reasonably foreseeable oil and gas development anticipated by the Kemmerer RMP. The results of the Moxa Arch air quality dispersion analysis may suggest the need for a more conservative approach to oil and gas development or the need for additional mitigation measures to be incorporated into the Kemmerer RMP Final EIS. In addition, EPA recommends the Kemmerer Final EIS expressly explain the nexus between the Moxa Arch Draft EIS air quality dispersion modeling and the Kemmerer RMP EIS as described above, so that interested parties will be made aware of and can access information in both documents to assess potential impacts.

EPA is concerned that development occurring outside of the Moxa Arch project may be approved by BLM via categorical exclusions without the full analysis of potential air quality impacts and consideration of appropriate mitigation measures. Section 390 of the Energy Policy Act of 2005 established five statutory categorical exclusions under NEPA including an exclusion for “Drilling an oil and gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed drilling as reasonably foreseeable activity, so long as such plan or document was approved within five years prior to the date of spudding the well.” EPA does not believe the air quality qualitative emissions comparison conducted in the Kemmerer RMP Draft EIS is sufficient to provide BLM with the information necessary to issue categorical exclusions while still being protective of air quality in southwestern Wyoming. The potential for categorical exclusions under Section 390 of the Energy Policy Act further emphasizes the need for BLM to consider the air quality impacts disclosed in the Moxa Arch Draft EIS and to identify appropriate mitigation measures to be incorporated into the Kemmerer RMP Final EIS.

Although EPA remains concerned about the potential impacts to air quality from categorical exclusions, we are encouraged that the Kemmerer Field Office has voiced a commitment to conduct additional air dispersion modeling for significant projects in the future. While the modeling done for Moxa Arch addresses the impacts of the majority of current foreseeable development in the Kemmerer planning area, any significant resource development projects that emerge outside of the Moxa Arch project should also be modeled to fully assess and disclose cumulative impacts to air quality resources. This includes any large-scale development of conventional and/or coal bed natural gas wells in geologic areas such as the Absaroka Thrust, and Prospect-Darby Hogsback Thrust, or in the Frontier-Adaville-Evanston natural gas unit.

EPA’s Rating

EPA has a responsibility to provide an independent review and evaluation of the potential environmental impacts associated with this Draft EIS. Based on the procedures EPA uses to evaluate the adequacy of the information and potential impacts of the Preferred Alternative, EPA is rating the Draft EIS as Environmental Concerns- Inadequate Information, “EC-2.” “EC” signifies that EPA’s review of this Draft EIS has identified environmental impacts that should be avoided in order to fully protect the environment. The rating of “2” indicates that the Draft EIS lacks sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment. EPA remains concerned about the potential for cumulative emissions leading to visibility impairments and/or exceedances of air quality standards. The air quality dispersion modeling conducted for the Moxa Arch Infill development should be considered and should inform mitigation measures disclosed in the Final EIS and included in the record of decision (ROD). A full description of EPA’s EIS rating system is enclosed.

EPA recognizes the complexity and diversity of the proposed resource management actions and supports BLM's intention to update this plan based on emerging issues and changing circumstances. We expect that oil and gas development, air quality, OHV use, and the protection of sensitive and unique land and water resources will continue to be among the issues and circumstances monitored as the plan is implemented. If you would like to discuss these comments, or any other issues related to the review of the Draft EIS, please contact Rich Mylott at 303-312-6654 or Joyel Dhieux at 303-312-6647.

Sincerely,

/Signed Joyel Dhieux for/

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and

Remediation

Enclosures

**Detailed Comments by the Region 8 Environmental Protection Agency
Draft Environmental Impact Statement
Kemmerer Resource Management Plan
Kemmerer, Wyoming**

Air Quality Monitoring

EPA would support efforts to assess air quality monitoring in the Kemmerer planning area to determine whether more monitoring is needed. We note that there are few air quality monitors operating within the field office boundaries. Considering the extent of existing and projected emissions sources and increasing concern about cumulative regional air quality impacts, efforts to assess monitoring in the Kemmerer planning area are necessary to ensure that future resource management decisions adequately protect air quality resources and values. BLM has identified the need for enhanced monitoring to improve management in the planning area, and makes a commitment in the RMP Draft EIS to work to “enhance existing criteria pollutant and AQRV monitoring on a project-specific or as-needed basis” (Table 2-3). EPA encourages discussions between BLM, the State of Wyoming, other federal agencies and industry groups to achieve this goal. The air quality dispersion modeling conducted for Moxa Arch may also inform this discussion.

Protection of sensitive and unique resources

EPA supports BLM’s efforts to designate special protection areas for natural and cultural resources in the Kemmerer planning area and encourages BLM to consider if more designations are appropriate. We note that while ACEC designation was considered for several areas and special populations, many were excluded as ACECs or MAs under the Preferred Alternative. Conversations with BLM indicate that although many of these areas meet the criteria for ACEC and/or other special natural and cultural management status designations, BLM believes that existing use restrictions and stipulations related to sensitive slopes and soils, riparian areas, threatened and endangered species, cultural resources are sufficient to protect identified resource values.

EPA has some concern that, in some areas, this approach may not fully protect natural and wilderness characteristics and habitat for sensitive and rare species. We understand that proposals to develop natural gas resources are increasing in parts of the planning area that are not currently leased, a trend that may test BLM’s ability to maintain and preserve resource uses and values other than resource extraction. Significant natural, cultural, historical and wildlife resources have been identified in several areas which, despite the applicability of some management restrictions and stipulations, are considered open for future oil and gas leasing. Some additional analysis in Chapter 4 would be helpful in providing a more detailed rationale for the Preferred Alternative’s decision to not manage these areas as unavailable for leasing. This would be especially useful information for lands and riparian areas such as

Bridger Butte, Dry Fork, Upper Tributary, Lower Tributary, Fossil Basin, Rock Creek and Bear River Divide that have been considered for ACEC, natural area, wild and scenic and other special designations.

Off-highway vehicle use

EPA has also identified a general travel management concern related to Off-Highway Vehicle (OHV) use. Chapter 3-126 in the Draft EIS cites an increase in OHV use in the Kemmerer area as a management challenge, with a specific reference in Chapter 3-122 to adverse impacts to wintering herds of elk and mule deer associated with increased OHV use to collect shed antlers. Based on BLM's characterization of this management challenge, we assume that this anecdote is just one of many examples of adverse impacts associated with OHV use in the planning area.

The information presented in the Draft EIS on OHV use, trends and management designations is very limited and could be strengthened to form the basis of a planning strategy to identify and address future impacts to resources. While BLM has identified the lack of information as an issue and has committed to more comprehensive travel management planning in the RMP, we recommend that Chapter 3's treatment of Off-Highway Vehicles be supplemented with any additional quantitative or qualitative information that may illuminate current use, trends and impacts. For example, figures on percentages of the planning area designated "limited to existing roads and trails" versus "limited to designated roads and trails" and other OHV use designations would be helpful. If unavailable for the planning area as a whole, information or estimates on use and trends in localized, sensitive areas would also be useful.

As mentioned above, BLM's Preferred Alternative acknowledges a lack of information on OHV use and impacts and makes a commitment to conduct travel management planning for identified areas within the next five to ten years. However, EPA is concerned that while these plans are being developed, localized impacts to soils, vegetation, water quality, wildlife and other values may continue unabated. This is a particular concern in areas that will continue to be managed under the current, and presumably most common, use designation limiting OHV use to "existing roads and trails." EPA recommends that while plans are being completed for Travel Management Areas that contain sensitive or unique resources, limiting OHV traffic under the more restrictive "designated roads and trails" use designation should be considered and applied as appropriate.